

Customer No. 23932

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of:

Toby R. Thomas  
Samuel D. Aversa  
John D. Athans

Atty. Docket No.: 47097-00057

Examiner: John Sipos

Art Unit: 3721

Application No.: 09/422,510

Filed: October 21, 1999

For: Fill-Through-The-Top Package And  
Method And Apparatus For Making  
The Same

## CERTIFICATE OF FAXING

I hereby certify that this correspondence is being sent via facsimile to (703) 308-7957, addressed to Examiner John Sipos, Group Art Unit 3721, of the U.S. Patent and Trademark Office on March 26, 2001.

Signature:

  
Janet L. NewmakerTRANSMITTAL OF TERMINAL DISCLAIMERCommissioner for Patents  
Washington, D.C. 20231

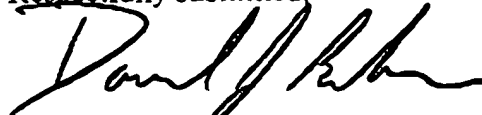
Dear Sir:

Transmitted herewith is a Terminal Disclaimer for this application, including a copy of the Certification from the State of Delaware effectuating the owner's corporate name change from Tenneco Packaging Inc. to Pactiv Corporation.

The Applicants are other than a small entity.

The Commissioner is hereby authorized to charge Deposit Account No. 10-0447 (47097-00057) in the amount of \$110.00 for the fee set forth under 37 C.F.R. § 1.20(d).

Respectfully submitted,



Date: March 26, 2001

Daniel J. Burnham  
Reg. No. 39,618  
Jenkins & Gilchrist  
1445 Ross Avenue, Suite 3200  
Dallas, TX 75202-2799  
(312) 425-3900

PTO/SB/26 (10-00)

Approved for use 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT**Docket No. (Optional)  
47097-00057

In Re Application Of: Toby R. Thomas, Samuel D. Averssa, John D. Athans  
 Application No.: 09/422,510  
 Filed: October 21, 1999  
 For: Fill-Through-The-Top Package And Method And Apparatus For Making The Same

The owner, Pactiv Corporation, of one hundred (100) percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,148,588. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. The owner of the instant application and U.S. Patent No. 6,148,588 was formerly known as Tenneco Packaging Inc., and a copy of the Certification from the State of Delaware effectuating this corporate name change is attached. This corporate name change is in the process of being recorded at the U.S. Patent and Trademark Office for both the instant application and U.S. Patent No. 6,148,588.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

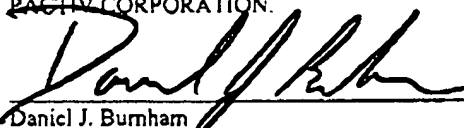
☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

☒ The undersigned is an attorney or agent of record.

PACTIV CORPORATION.

Date: March 26, 2001

  
 Daniel J. Burnham  
 Registration No. 30,618  
 Jenkins & Gilchrist  
 1445 Ross Avenue  
 Suite 3200  
 Dallas, TX 75202-2799  
 (312) 425-3900

☒ Terminal disclaimer fee under 37 C.F.R. § 1.20(d) included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 C.F.R. § 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
 Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

State of Delaware  
Office of the Secretary of State

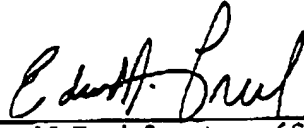
PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "TENNECO PACKAGING INC.", CHANGING ITS NAME FROM "TENNECO PACKAGING INC." TO "PACTIV CORPORATION", FILED IN THIS OFFICE ON THE FOURTH DAY OF NOVEMBER, A.D. 1999, AT 4:01 O'CLOCK P.M.



0624402 8100

001207455

  
Edward J. Freel, Secretary of State

AUTHENTICATION: 0412590

DATE: 05-01-00

FROM RICHARDS, LAYTON &amp; FINGER #1

(THU) 11. 4 '99 16:37/ST. 16:31/NO. 4861004503 P 16

**CERTIFICATE OF AMENDMENT**

OF

**RESTATED CERTIFICATE OF INCORPORATION**

OF

**TENNECO PACKAGING INC.**

Tenneco Packaging Inc., a corporation duly organized and existing under the General Corporation Law of the State of Delaware (the "Corporation"), does hereby certify that:

1. The Restated Certificate of Incorporation of the Corporation is hereby amended by deleting Article FIRST thereof and inserting the following in lieu thereof:

"FIRST. The name of the Corporation is Pactiv Corporation."

2. The foregoing amendment was duly adopted in accordance with the provisions of Sections 242 and 228 (by the written consent of the sole stockholder of the Corporation) of the General Corporation Law of the State of Delaware.

3. This Certificate of Amendment, and the amendment effected hereby, shall become effective at 4:01 p.m., Eastern Standard Time, on November 4, 1999.

STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 04:01 PM 11/04/1999  
991468609 - 0624402

FROM RICHARDS, LAYTON &amp; FINGER #1

(THU) 11. 4' 99 16:37/ST. 16:31/NO. 4861004503 P 17

IN WITNESS WHEREOF, Tenneco Packaging Inc. has caused  
this Certificate to be executed by its duly authorized officer, on  
this 4th day of November, 1999.

TENNECO PACKAGING INC.

By: 

Richard L. Wambold  
President